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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/714,314	11/14/2003	Andrew R. Rolfe	AUT-P-0021 (8423/90907)	2749
24628	7590	09/28/2007	EXAMINER	
WELSH & KATZ, LTD 120 S RIVERSIDE PLAZA 22ND FLOOR CHICAGO, IL 60606			REVAK, CHRISTOPHER A	
			ART UNIT	PAPER NUMBER
			2131	
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			09/28/2007	PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

## Office Action Summary

Application No.

10/714,314

Applicant(s)

ROLFE, ANDREW R.

Examiner

Christopher A. Revak

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 11 July 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 15 and 18-26 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 23-26 is/are allowed.
- 6) ☒ Claim(s) 15 and 18-22 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 14 November 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |                                                                                        |                                                                   |
|----------------------------------------------------------------------------------------|-------------------------------------------------------------------|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)            | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date. _____                                      |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>see attached PTO forms 1449</u>                               | 6) <input type="checkbox"/> Other: _____                          |

## **DETAILED ACTION**

### ***Continued Examination Under 37 CFR 1.114***

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114.

### ***Response to Arguments***

2. Applicant's arguments with respect to claims 15 and 18-22 have been considered but are moot in view of the new ground of rejection.

### ***Information Disclosure Statement***

3. The information disclosure statements submitted are in compliance with the provisions of 37 CFR 1.97. Accordingly, the examiner is considering the information disclosure statement.

### ***Claim Rejections - 35 USC § 102***

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

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(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

5. Claims 15 and 20-22 are rejected under 35 U.S.C. 102(e) as being anticipated by Funck et al, US 2003/0097339.

As per claim 15, Funck et al teaches of a method comprising establishing two different electronic communications paths whereby a first path is established, and using information obtained thereby establishing an address to open the second path; verifying the identity of a party who has established the first path; presenting a requested document and a unique document identifier to the party via the first path and, in response thereto, audibly receiving from the party, via the second path, the unique document identifier (see paragraph 21; paragraph 23, lines 1-4; paragraph 26, lines 1-5; paragraphs 29,30, & 35).

As per claim 20, Funck et al discloses of interrogating at least one third-party database to evaluate the trustworthiness of the address (see paragraphs 21 & 25).

As per claim 21, it is taught by Funck et al of evaluating the address with respect to selected mail delivery information associated with the party (see paragraph 25).

As per claim 22, it is disclosed by Funck et al of carrying out a geographical correlation between the address and other information associated with the party (see paragraph 25).

***Claim Rejections - 35 USC § 103***

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 18 and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Funck et al, US 2003/0097339.

As per claim 18, the teachings of Funck et al fail to disclose of creating a digital signature associated with the presented document. The examiner hereby takes official notice that the use of digital signature associated with documents is notoriously well know. It would have been obvious to a person of ordinary skill in the art at the time of the invention to have been motivated to apply the use of digital signatures for document validation purposes. Digital signatures are known for binding a signing authorities identity to a document which is used for vouching for the content data associated with the document. It is obvious that the teachings of Funck et al could have used digital signatures to be used for validating the contents of the document that it is from a trusted source.

As per claim 19, Funck et al teaches of comparing current audio responses from the party with previously received responses from the party (see paragraphs 21 & 30).

***Allowable Subject Matter***

8. Claims 23-26 are allowed.

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9. The following is a statement of reasons for the indication of allowable subject matter:

It was not found to be taught in prior art of a telephone network-type communication system and a second communication system different, at least in part, from the telephone system; enabling a user to communicate with a document provider and to receive, via the second system, a copy of a document to be signed; enabling the document provider to generate a unique document identifier and to subsequently forward that identifier to the user via the second system; enabling the user to be contacted, via the telephone system at a telephone number associated with the user, seeking confirmation from the user that wording of the document is acceptable, and responsive to the user's confirmation that the received document is acceptable, which request that the user return the document identifier via the telephone system; and comparing the document identifier forwarded to the user, via the second system, with that returned by the user, via the telephone system, and, responsive to a match there between, enabling the document provider to generate an electronic signature indicative thereof.

### ***Conclusion***

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Christopher A. Revak whose telephone number is 571-272-3794. The examiner can normally be reached on Monday-Friday, 6:30am-3:00pm.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ayaz Sheikh can be reached on 571-272-3795. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

CR

  
September 26, 2007

CHRISTOPHER REVAK  
PRIMARY EXAMINER

